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Ian Wilson

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GE HEALTHCARE, INC.

IP DEPARTMENT 101 CARNEGIE CENTER

PRINCETON, NJ 08540-6231

EXAMINER

PERREIRA, MELISSA JEAN

ART UNIT

PAPER NUMBER

1618

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DELIVERY MODE

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

DETAILED ACTION

Claims 1,5-32 are pending in the application. Claims 9-16,31 and 32 are withdrawn from consideration. Claims 2-4,33 and 34 were canceled in the amendment filed 3/8/10.

Claims

A claim being canceled must be indicated as "canceled;" ***the text of the claim must not be presented***. Canceled and not entered claims must be listed by only the claim number and status identifier, without presenting the text of the claims.

Response to Arguments

1. Applicant's arguments filed 3/8/10 have been fully considered but they are not persuasive.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1,5-8 and 17-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Edwards et al. (WO02/067761) in view of Weinstock et al. (WO00/78145A1) as stated in the office action mailed 12/7/09.

4. Applicant asserts that combining the teachings of Edwards et al. and Weinstock et al. could conceivably lead to a sulphonamidobenzamide compound linked to a metal

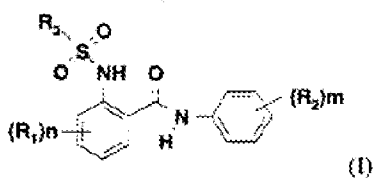
Art Unit: 1618

chelate, where the metal chelate comprises a metal that is suitable for in vivo imaging.

There is no teaching, disclosing, or suggesting in Weinstock et al. about in vivo imaging, and consequently no teaching, disclosing, or suggesting about where to label the sulphonamidobenzamide compounds disclosed therein with an imaging moiety.

5. Edwards et al. teaches of the complexes $M-C_h-L_n-(BM)_n$ wherein M is a radionuclide (i.e. ^{99m}Tc , ^{111}In , ^{113m}In , etc.); C_h is a metal chelator (i.e. a N_4 ligand, N_2S_2 ligand); L_n is a linking group; and BM is a MSRA antagonist. The complexes are used for the diagnosis and monitoring of various cardiovascular diseases including but not limited to atherosclerosis, coronary artery disease, renal disease, thrombosis, transient ischemia, etc.

6. Weinstock et al. teaches of the MSRAs (below) used for treating cardiovascular disease including but not limited to atherosclerosis, coronary artery disease, renal disease, thrombosis, transient ischemia, etc. R_3 may be R_1 aryl, etc.; R_1 and R_2 may be hydrogen, alkyl, halo, etc.



7.

8. At the time of the invention it would have been obvious to one ordinarily skilled in the art to substitute one macrophage scavenger receptor antagonist (MSRA), such as the sulphonamidobenzamides of Weinstock et al. for another analogous macrophage scavenger receptor antagonist (MSRA), such as that of Edwards et al. as both are used for treating cardiovascular diseases. Also, the simple substitution of one known,

Art Unit: 1618

equivalent element for another yields predictable results, such as binding macrophage scavenger receptors.

9. At the time of the invention it would have been obvious to one ordinarily skilled in the art to attach the imaging moiety of Edwards et al. to the sulphonamidobenzamides of Weinstock et al. at any reactive position along the sulphonamidobenzamide derivative, not excluding the locations corresponding to the substituents $R^2, R^3, R^7, R^8, R^{12}$ of the instant claims as Edwards et al. teaches that a MSRA is attached to the metal chelator. There are a limited and finite number of attachment points on the aryl rings of the sulphonamidobenzamides of Weinstock et al. and therefore it is predictable to attach the imaging moiety at any of the reactive positions, including the aryl rings, on the sulphonamidobenzamides of Weinstock et al.

New Grounds of Objection/Rejection Necessitated by the Amendment

Claim Objections

10. Claim 1 is objected to because of the following informalities: the limitations $R^1, R^{4-6}, R^{9-11}, R^{13}$ and R^{14} are not defined. Appropriate correction is required.

11. Claim 5 is objected to because of the following informalities: the instant claim 5 depends on a canceled claim 3.

Claim Rejections - 35 USC § 112

12. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Art Unit: 1618

13. Claims 1,5-8 and 17-30 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. It is unclear as to what substituents are acceptable for the limitations R¹, R⁴⁻⁶, R⁹⁻¹¹, R¹³ and R¹⁴.

Conclusion

14. No claims are allowed at this time.

15. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MELISSA PERREIRA whose telephone number is (571)272-1354. The examiner can normally be reached on 9am-5pm M-F.

Art Unit: 1618

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mike Hartley can be reached on 571-272-0616. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Michael G. Hartley/
Supervisory Patent Examiner, Art Unit 1618

/Melissa Perreira/
Examiner, Art Unit 1618

Application/Control Number: 10/537,103
Art Unit: 1618

Page 7